

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**

<b>DAVID BRIAN MORGAN,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-25-473-R</b>
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Respondent.</b>	)	

**ORDER**

Petitioner filed this action in the United States District Court for the District of South Carolina seeking a writ of habeas corpus. This is the most recent in a long line of cases Petitioner has brought attempting to challenging his conviction in the District Court of Oklahoma County, Case No CF-2010-7695. The case was transferred to this Court because Petitioner’s place of confinement lies within the geographic boundaries of this judicial district.<sup>1</sup>

Petitioner’s filing is an unauthorized second or successive § 2254 petition that this court lacks jurisdiction to consider. “As Morgan should know by now, petitioners who wish to file ‘a second or successive’ § 2254 petition must first obtain an order ‘from the appropriate court of appeals ... authorizing the district court to consider the [petition].” *Morgan v. United States*, No. 23-2079, 2023 WL 5622932, at \*1 (10th Cir. Aug. 31, 2023) (quoting 28 U.S.C. § 2244(b)(3)(A)). Given Petitioner’s abusive filing history and failure

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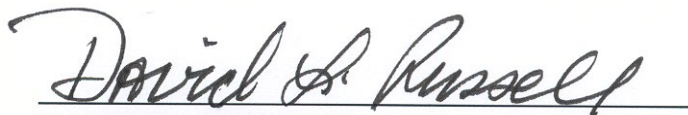
<sup>1</sup> The case was then referred to United States Magistrate Judge Chris M. Stephens for preliminary review. The Court hereby withdraws the reference.

to demonstrate that he meets the requirements for bringing a second or successive habeas petition, transferring this action to the Tenth Circuit is not warranted.

Petitioner's repetitive and improper filings have become vexatious and abusive. If Petitioner continues to bring frivolous second or successive habeas petitions without seeking the required authorization, the Court will impose filing restrictions

The Petition is dismissed for lack of jurisdiction. Petitioner has not met the standard for issuance of a certificate of appealability and a certificate of appealability is therefore denied.

**IT IS SO ORDERED** this 30<sup>th</sup> day of April, 2025.

  
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DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE